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THE

ORIGIN, OBJECT AND OPERATION

OF

The Apprentice Laws ;

WITH THEIR APPLICATION TO

TIMES PAST, PRESENT, AND TO COME.

ADDRESSED TO

THE COMMITTEE OF GENERAL PURPOSES

OF THE CITY OF LONDON,

BY THE COMMITTEE OF MANUFACTURERS

OF LONDON AND ITS VICINITY.

ORIGINAL.

ADVERTISEMENT.

As the *Apprentice Laws* are now under the consideration of Parliament and the Public, no apology is necessary for the publication of the present address. The discussion is of the utmost importance to the prosperity of the country; and the question is probably the most momentous that has been entertained for years. It involves our future fate.

Perhaps it would have been better that it had not been stirred;¹ but having been agitated, there is no alternative, it must be discussed and put to rest. Of the ultimate decision, little doubt is entertained; still less, of the beneficial result to the commerce of the country. But it is desirable that it should be accompanied by a conviction of its propriety, in the persons who conceive themselves affected by it. That it should be discussed temperately and deliberately, is the object of these pages. Clamor and violence may be excited as they have been on other occasions, by ignorance, intrigue, and prejudice, and by interest ill understood: but whatever consequences may attend this discussion, it is to be remembered that it has not originated with the manufacturers, who desire to repeal their restraints, but with those who, by means of a monstrous and alarming, but misguided association, have demanded their unlimited extension. While they remained unexecuted, their continuance on the Books was of little consequence; but when such gigantic power is claimed, it becomes necessary to annihilate them for ever. It may, however, be useful that Apprenticeships should be made legal for any term that may suit the inclination or convenience of individuals; and power given to magistrates to enforce their conditions, but that they be not made a necessary preliminary to the "legal" exercise of any trade or manufacture in this kingdom.

March 1, 1814.

¹ The attempt to extend these laws to all trades whatever, not now included under them, preceded by many months, nay indeed in the first instance by some years, Mr. Serj. Onslow's motion for repealing the penalties of the Act of Eliz.

THE
ORIGIN,

&c. &c.

IN order to come to a proper determination on the important question, whether the penalties of the Statute of Elizabeth, "*Containing divers orders for Artificers, Laborers, Servants of Husbandry, and Apprentices*" ought to be repealed, it will be useful to take a view of the object and enactments of the law, and of their application to the present state of the trade and manufactures of the country.

After reciting that "Although there remain and stand in force presently a great number of Acts and Statutes concerning the retaining, departing, wages, and orders of apprentices, servants, and laborers, as well in husbandry as in divers other arts, mysteries, and occupations, yet partly for the imperfection and contrariety that is found, and doth appear in sundry of the said laws, and for the variety and number of them and *chiefly* for that the wages and allowances limited and rated in the said Statutes, are in divers places too small, and not answerable to this time respecting the advancement of prices of all things belonging to the

said servants and laborers, the said laws cannot conveniently, without the great grief and burden of the poor laborer and hired man, be put in due execution: *And* as the said several Acts and Statutes were at the time of the making of them, *thought to be very good and beneficial* for the commonwealth of this realm (*as divers of them are*): so if the substance of as many of the said laws as are meet to be continued, shall be digested and reduced into one sole law and statute, and in the same an uniform order prescribed and limited concerning the wages and other orders for apprentices, servants, and laborers, there is good hope that it will come to pass, that the same law, (being duly executed) should banish idleness, *advance husbandry*, and yield unto the hired person, both in the time of scarcity and in the time of plenty, a convenient proportion of wages." It enacts (Sec. 2.) "that as much of all Statutes as concern the hiring, &c. of servants, workmen, artificers, apprentices, and laborers, shall be repealed. *And* that all the said statutes, and any matter contained therein, and not repealed by this Act, shall *remain in force*; any thing in this Act to the contrary notwithstanding."

The object is stated in the preamble to be "to banish idleness *and advance husbandry*;"¹ and to attain this object, it is enacted, (sec. 4.) That every person *not above 30 years of age*, or not married, who has used certain crafts for three years, shall serve and be retained in the said crafts, if required, *unless* he have land of 40s. a year; or goods amounting to £10; or is retained in husbandry; or in any other craft; or in service of a nobleman &c.; or have a convenient farm in tillage. But by Sec. 7. Every person between 12 and 60 years of age, shall be compelled to serve in husbandry, with similar exceptions.

¹ The rating of wages having been repealed in the last Sessions noticed.

And further it is enacted, (Sec. 26.) That any householder in a corporate town, shall or may take *the son of any freeman*, of that or any other town, *not occupied in husbandry or being a laborer*, as an apprentice, according to the custom of London, but if (Sec. 27.) he be a merchant, mercer, draper, goldsmith, ironmonger, embroiderer, or clothier, the parent must have in land 20s. a year.

And householders being artificers in market towns, (Sec. 28.) may also take the *sons of other artificers* of any town *within the same shire*, provided they are as before *not already husbandmen or laborers*; but if they are of any of the before mentioned trades, then the parents must have 60s. in land.

To certain laborious trades, however, (enumerated Sec. 30.) such as thatchers, lime and ore and wood-ash burners, brick and tile makers, bricklayers, tylers, slaters, wheel, plough, and mill wrights, sawyers, carpenters, smiths, plasterers, &c. wherever they may dwell, apprentices may be taken, though the parents have no land. But apprentices to woollen weavers in villages, must have 60s. in land.

All indentures are void (Sec. 41.) that are contrary to this Act: And (Sec. 33.) taylors, shoemakers, and woollen manufacturers that have three apprentices, shall keep one journeyman.

And by (Sec. 31.) it is also prohibited to carry on, or exercise, or set any other person to work at any craft or mystery carried on in England or Wales, at the time of passing the Act (1562), without having served an apprenticeship of 7 years, *thereto*, under a penalty of 40s. a month.

None of these restrictions¹ have in the memory of man

¹ Even the advocates for the continuance of this Act are ashamed of them, and desire their repeal, because forsooth, "they tend to prevent the growth of genius," as if that was not the tendency of the whole Act: and because "every person has a common right to in-

been enforced except the last. They have all been rendered obsolete by tacit consent as totally incompatible with the interests and prosperity of commerce, on which it had at length been found that the riches and power of the country depended. From the last, an *appearance* of exclusive privilege has been derived, and the penalty attached has afforded opportunity to individuals to enforce it. It is this then which it is now desired to repeal.

It is clear from the clauses which have been quoted, that the persons who were permitted to become tradesmen and artificers, were the sons of *freemen and artificers only*, and in some cases they must possess landed estates: and that husbandmen and laborers *were excluded and not permitted to quit husbandry* and enter into trade. That is, in plain English, as the Statute itself truly expresses it, *husbandry was to be advanced* by the restraint of trade. Is this then an Act to be contended for at the present day? Is it fit to extend the restraints of such an Act over the arts and manufactures and inventions of the present age? or even to continue them against the improvement of the "crafts and mysteries" of Elizabeth's time?

In whatever veneration the "wisdom of our ancestors" may be held on other subjects, it would border on superstition to contend, that a law which was contrived for *feudal times*, when seven tenths of the people were in a state of vassalage, attached to the soil on which they grew, and

struction;" as if every person had not also a "common right" to get his bread in the manner he thought best. Whilst they exclaim against the monopoly of instruction and demand it as of "common right," they insist on keeping to themselves a monopoly of employment! The monopoly, if it were one, was granted on conditions—they want to get rid of the conditions and keep the monopoly! Have they forgotten their late outcry against the monopoly of the East India Trade? Besides, if this Act were strictly enforced, 99 out of 100 journeymen, apprentices, and masters, would be found to be "illegal."

little less the property of their lords, than the boors and peasants of Poland and Russia, would be fit to be continued in a country, abounding in manufactures, and dependent on commerce. But "the fact was, to speak the truth at once," says Dean Tucker, "the *landed interest*, as it was then erroneously understood was supposed to be *directly opposite* to the *trading* interest of the kingdom."

If, notwithstanding, it be still insisted that the object of this Act was to encourage trade by giving apprenticed persons the power of excluding all that had not been apprenticed, it will be only necessary to refer to the law as it stood before the passing of the Act to prove the contrary. By an Act 23rd E. III. every person under 60 years of age, with few exceptions, might be compelled to serve in husbandry. And by 2nd Richard II. chap. 5. "He or she who use to labor at plough or cart till 12 years old, *shall thenceforth abide at the same labor*, and *not be put to any mystery or handicraft*." And it appears "that notwithstanding this Act, it was found" in the 7th Henry IV. "that infants born within the upland seignories, whose parents *had no rent or living* but their service, were put apprentice to divers crafts, and *that for the pride of cloathing and other evil* customs that servants do use in the same, so that *there is so great scarcity of laborers* and other servants of husbandry that the *gentlemen* and other people of this realm *be greatly impoverished thereby*;" and it was enacted that "no persons should be apprenticed unless their parents had 20s. a year in land."

It was thought necessary, however, to provide that, notwithstanding this Act, persons should be permitted "to send their children to school."

And under this law, "grievous, oppressive, and slavish," as it was truly termed by the citizens of London in their petition to Henry VI. the whole country groaned until he,

mindful “ of the entire affections and faithful services of the said citizens to him in all his affairs and because they did not take as apprentices persons of *Villein estate*¹ and c^m,” granted to them *and them only* a special exemption.² Seventy years afterwards, this exemption was extended to the City of Norwich, and County of Norfolk, by Henry VII. because, “ the making of worsted was like to decay, as few or none could be had apprentice of the required ability in land, and for lack of apprentices it is like to be set apart, and to be utterly destroyed, to the loss and impoverishment of the inhabitants of the County of Norfolk.”³

Had it then been the intention of the legislature to have encouraged trade, experience would have shown them that this was not the mode, by which it could be effected. But this is not all, not twelve years before the passing this Act of Elizabeth, an Act⁴ had been passed “ to prevent persons from making woollen cloth who *had not served seven years apprenticeship thereto*,” which it was found necessary to repeal a short time after, because as the Statute⁵ states, “ *divers Cities, Boroughs, and Towns*,” were prevented by that Act, from carrying on their trade “ *to their great impoverishment and utter undoing*, and likely to be *utterly undone for ever*.” Notwithstanding which, it was re-enacted in this statute of Elizabeth.

* It appears that they had been in the habit of doing this. In the ninth Richard II, it is complained that “ Whereas divers *villeins and Neifs*, (i. e. males and females), as well of Great Lords, as of other people, do fly within Cities and other places enfranchised as *the City of London*, and the like, and feign divers suits against their Lords, to the intent to make them free, by the answer of their Lords,” and it was therefore “ accorded that the Lords should not be forbarred of their villeins because of their answer in Law.”

² 8. H. 6. c. 11.

³ 12. H. 7. c. 1.

⁴ 5 and 6. E. 6.

⁵ 1 Mary Sess. 3. c. 7.

Now, as this “*grievous, oppressive, and slavish*” Act of Henry IV. which confirmed that of Richard II., and left in full force also that of Edward III. still continued to be the law of the Land, except as to Norwich and London, what alteration did this “*invaluable Statute of Elizabeth*” introduce?—It permitted *Freemen and Artificers*, who no longer possessed the qualification of 20s. in Land to put their Children Apprentices to other *Freemen and Artificers*, in some *certain laborious and common* manual occupations, which, *they could not do* under the Act of Henry IV.; but it still more effectually restrained any others from giving way to the temptation held out by Trade, to quit the service of their Lords, to the great *neglect of Husbandry*, by laying a penalty, which the *former Act had not done* on such as employed them. By the former Act, if a slave could get away from his Master, and conceal himself in a Town, he might be *employed* perhaps, but he could not be *Apprenticed*; for that would have given the Master an interest to protect him from his “*rightful Lord* to whom his services were due,” and would have involved the Town itself in a contest with the Baron. To prevent this it was and still continues to be part of a Freeman’s oath,¹ “that he will take none apprentice, but if he be free born, (that is to say,) no Bondsman’s Son.”

Now, without examining too critically the force of the doubtful and apparently contradictory terms of the repealing clause of this act, it is clear that the 7th Sec. revived and continued the principle, if not the identical enactments, of the 2d. of Richard, and 23rd. of Edward; and the 31st. clause by prohibiting the exercise of any Trade, unless the party had been apprenticed *thereto*, appears to confirm an old law not then repealed, (the 37th of the

¹ Act of Common Council. H. 7.

same Edward,) "that Artificers and Handicraft people, shall hold every one, to one mistery only."

But it would be an idle waste of time, to dilate further on this point. Let us hear no more, however, of high sounding claims to a "vested interest" in a pretended encouragement of Trade, which in fact was, and was intended to be, a positive restraint and prohibition. But, if it had been otherwise, is this single clause, of a law passed in semi-barbarous² times, the only law, which like those of

¹ The liberal construction of the Judges on this point is well known; with due deference to them, however, if they had not been so liberal, but had constantly enforced the Act, it would not have been permitted to have remained to this day, on the Statute books. But if it be contended, that a person may be apprenticed to *several* trades, and therefore have an equal right to follow them all, it destroys the plea of the advocates of the 5th of Elizabeth, that it requires seven years' apprenticeship to become *master of one*.

² Let no one captiously take offence at this epithet. Setting aside that the act has now been traced back to the Edwards, Richards, and Henrys of the feudal times; its application will be admitted when it is recollected that only fifteen years before, in the good protestant times of Edward the VI., it had been enacted, "that as all vagabonds *merited death*, every person living idle for 3 days, should be marked by a *hot iron* on the breast with the letter V, and made a *slave for two years*, to who ever took him before a Justice," which seems to have been little better than the kidnapping of the Negroes of Africa, "and shall be fed on bread and water, and by beating, and chaining be made to labour in any work, be it never so vile." "If he ran away for fourteen days, then to be burnt on the cheek with an S, and be a *slave for ever*;" "if he fled a second time, to be adjudged a *felon*." This inhuman law was however repealed in the same reign, and the milder system of Henry VIII. restored. It marks however the character of the time. The admirers of Elizabeth will have pleasure in remarking that nine years after, when she had occasion to pass an Act on the same subject herself, the vagabond was only to be "greivously whipped and *burnt through the gristle of the right ear*, with a *hot iron of an inch about*!" unless some one would take him for a year. And that he was not to

the Medes and Persians, it is not permitted to alter? Is a law passed 250 years ago, when the commerce¹ of London, which was carried on by 200 Citizens only, was more than $\frac{5}{7}$ of that of the whole Kingdom, when the whole of the exports of the country, did not exceed £2,500,000, and $\frac{1}{2}$ of that consisted in *One* article (woollen cloth) which was even then exported in an unfinished state?—Are the Acts of a Queen, who had so little regard for Trade as to prohibit the growth of one of the most useful plants, because she did not like the smell of it—of a Queen of whom it is remarked by the Historian, that “if she had gone on for a tract of years, at her own rate, England would have contained at present as little industry as Morocco, or the coast of Barbary”²—are the Acts of such a period to be esteemed inviolable, and unalterable?

What, however, was the immediate consequence of the Act? The diminution of the quantity of shipping! By a remonstrance from the Trinity-house in 1602, it appears that the seamen, and shipping had decayed *one third* in twelve years! and the fine cloth was in such little credit, that it was with great difficulty King James could induce his courtiers to wear it.

But in fact, it was found impracticable and impolitic to carry this law fully into effect, and in the memorable language of Lord Kenyon,³ “The ink with which it was written was scarce dry when the inconvenience of it was felt,” and when the religious persecutions in the Netherlands, drove the Manufacturers into this Country, and the benefits of trade were better understood, the Judges endeavoured to quibble it away, and actually decided that serving an Apprenticeship to *any one* trade, for seven years, entitled a man to suffer death for the second offence, if any would take him for two years! And not to be adjudged an absolute felon till the third time!

¹ Foreign commerce.

² Hume.

³ Peake's Cases.

to carry on *any other*.¹ In every age, they have concurred in annulling it as much as was in their power.² At one time, a master has been permitted to carry on a trade, for the future, because he has already violated the law for seven years with impunity. At another, a journeyman has been excused, because it was said, he might do some trifling part of the work, and the act only imposed the penalty against masters for employing "illegal men" not upon the men for working: as if working at a trade was not exercising it! Again it has been determined, that the girths were no part of the saddle, and that cutting the hoofs of a horse was neither the business of a farrier, nor a smith!

Is it not high time to repeal a law when it is held better to connive at its infraction than to enforce its observance?

But the fanciful distinctions arising out of the law itself, throw ridicule on its operation. A wheelwright may make a coach, though a coach-maker may not make a wheel: yet he may employ a journeyman smith to make the iron-work of the carriage, and a painter to decorate the body! It is in fact, a constant source of vexation and partial oppression in its operation.

But it is said that this Act was to insure good workmanship and to prevent fraudulent practices in the manufacture of goods. Does it or can it do so? Can any Act of Parliament prevent a man carrying on his trade in the

¹ 33rd. Elizabeth in Exch.

² Some remarks of Blackstone form the only plausible exception: but he gave no "opinion," much less pronounced "a judgment." After stating the points first against and then in favor of the Act of Elizabeth, he adds simply "and in this there *seems* to be much reason." If a *garbled and false* quotation of this passage, had not been brought into this discussion for sinister purposes, this solitary and doubtful expression, would have been unworthy notice.

manner he thinks most to his advantage? Let the innumerable acts for the "true making of woollen cloth," and many other articles, answer the question. So impossible was it found to enforce these laws, however often they were re-enacted, that they at one time attempted the equally inefficient proceeding of preventing any person who had carried on the woollen trade, from discontinuing it without a licence from the magistrates.¹ Nay such was the meddling folly of those times, that they passed an act to compel the making of *sharp-pointed* pins!² Need the consequence be stated? No pins were made; and they were obliged to repeal the law the very next year.

Besides, does not the true making of any commodity depend more upon the master's *honesty* than upon the workman's ability? If the master is dishonest, will not the apprentice be instructed in the same course? May he not teach perfection in knavery, as well as good workmanship?

But it is said, a boy must be taught to work. True! But is it necessary to give him a monopoly as well as instruction? If the future employment of an apprentice is to depend merely on his indentures, what inducement has he to attain perfection? He is more ready to exhibit them than his dexterity at work. And so far from "imbibing domestic habits, and being accustomed to subordination, Apprentices seem solicitous," said an intelligent Magistrate under examination by a Committee⁴ of the House of Commons upon this subject, "as soon as they are able to earn

¹ 5th & 6th E. 6. c. 6. s. 49.

² 35 H. 8.

³ Notwithstanding innumerable acts for the "true making of woollen cloth," in which the fault had been constantly laid on the *unskilfulness* of the workman *who had not served* 7 years apprenticeship, it was found that the *same* defects continued 38 years' after passing this Act. Seven years' apprenticeship did not make them honest, and the saddle was atlast put on the right horse; *the fraud of the master*. 43. Eliz.

⁴ Committee of the House of Commons on the woollen trade, 1806.

workmen's wages, to render themselves obnoxious to the masters, and to make it not worth while to keep them, but to let them go." Every man's experience confirms this truth.

On the other hand, is it not frequently found that the most ingenious workmen have never been apprenticed at all?

In this case, the workman depends entirely upon dexterity, not upon indentures; he is strongly actuated by the wages he receives, by the increase he hopes to obtain, and by partiality for his employment. His whole mind is bent on success.—Need we call to mind the names of Arkwright, of Harrison, or of Arnold? of Brindley, of Smeaton, or of Rennie? of Fergusson, or of Hunter? of Watt, of Bramah, or of Brunel? Which of them were apprenticed to the arts they have rendered illustrious? What would not the country have lost if this system of exclusion had been extended to them? What if the restraints of this act had been heretofore extended to new manufactures? How could they have been carried on, or even introduced, if the artists must have been apprenticed according to this law? If this had been the case our manufactures would not have soared beyond those of Poland and Russia. We have, indeed, just attained the art of casting the minutest articles in iron, and rendering them equally tenacious, malleable, and brilliant, as the finest ever passed under the hammer. Is genius therefore at its height? Who can say that the human intellect may not restore to us the malleable glass, or perpetual lamp of antiquity? Are we, in the wantonness of pride and self-sufficiency, impiously to shut the door against the almighty power of mind?

But it must never be forgotten that this exclusive privilege, as it is erroneously called, is an exclusion which operates against apprentices, as well as in favor of them. However ill the practice of a trade may agree with the health,

the ability, or the inclination of an apprentice : whether his mind is directed to prefer the study of another, by a riper understanding, which would render him more competent to excel in it ; or whether, by the loss of a limb, he is disabled from pursuing the first to which he is placed ; by *that and that alone* he must abide : he is, in the one case, as irretrievably fixed in that trade, as if he belonged to one of the Castes of India ; in the other he has no alternative ; he *must starve* ! If the caprice of fashion should destroy his trade ; with the greatest talent, the most ingenious mind, and the most anxious desire for employment, still he must starve !!! So must the Scots and Irish ! In England or Wales, parts of the same United Kingdom, they must not be employed, for they have not served “ according to this act.” They also must starve!!!

“ When the 5th of Elizabeth was passed, our manufactures were confined almost entirely to the supply of the home market ; a branch of commerce which is, in a great degree, exempt from those sudden shocks and vicissitudes to which a foreign trade is liable, from the operation not merely of commercial but political causes ; shocks, whereby great numbers of workmen, being at once thrown out of their old employment, are driven to seek some new, perhaps some kindred occupation, for the maintenance of their families. A rigid enforcement of the Apprentice Laws would obviously preclude any occasional transfer of this sort, and the benefit to be derived from it.”¹

Are not then the enactments of Elizabeth the cause of what is called the “surplus of manufacturing poor?” Does not the *violation* of that statute afford facilities for their employment, and lessen, rather than increase, their numbers ? Will you, by enforcing it at the peace, drive to the miserable and infamous resource of prostitution, the multi-

¹ Report of Committee on woollen manufacture, 1806.

tudes of women now employed in the fabrication of arms for the defence of the State? Will you again crowd the streets of Birmingham with unfortunate wretches, where now, happily, none are to be found?

With respect, however, to the propriety of the institution of apprenticeship, in order to protect youth during the period of minority, there can be but one opinion. For this purpose, as well as to initiate them in the practice of their respective trades, it is undoubtedly useful. But, say the Committee, whose report has been before referred to, "the moral arguments also in favor of apprenticeships, can no longer have the same force, when few masters receive their apprentices under their own roof, or consider them as members of their family; and, in our times, when it must be confessed that the influence of the opinions and feelings of subordination formerly prevalent, has so greatly declined, it is likewise too often found, that the apprentice, when he approaches the term of manhood, and having become a competent workman, should compensate to his master the expense and trouble of his instruction and maintenance, becomes discontented and unruly. Often he quits his master's service; or, if he reluctantly continues in it, habits of idleness and dissipation are incurably contracted by a youth, who had he himself tasted the immediate fruits of his own industry, might have been formed to the opposite habits of sobriety and diligence."

Again it is urged, that if the restraints of this statute are taken off, there will remain no motive for parents to place their children as apprentices. The Legislature of that day did not attempt to legislate for posterity. It did not foresee—it could not foresee the period when the commerce of England should extend to the remotest regions of the earth; much less could it foresee that its rank and importance among nations was upheld and maintained by that commerce alone. Fortunately the operation of the act was

restrained to the "crafts and mysteries" then in being. The "arts and manufactures" afterwards introduced were *free*; and they have flourished accordingly. Is there any dearth of apprentices in those trades which are not under the control of this statute? The coachmakers? the paper-stainers? the tin-plate-workers? the watch-makers? the mathematical and optical instrument makers? and a hundred others, totally unknown to our ancestors? Are they not as eagerly sought after by parents?

The motive in the parent may in some cases be the shorter term of apprenticeship, which gives him the opportunity to continue his child a year or two longer at school, and put him out for the last five years of his minority only. But has he no motive in the protection of his child for the term? None in that compulsory subordination, by which he is inured to habits of industry, which cannot be attained under a parent's roof, amidst the familiarity of relations? None in the instruction he receives, and in the practical dexterity he acquires, by which he is enabled to exercise his art for his own benefit, as soon as he becomes a man?

But if, as is asserted, a seven years' apprenticeship is absolutely necessary to prevent the degeneracy of our manufactures, how has it been permitted for these hundred years, that an apprentice of a day old, should be freed from his indentures and allowed to carry on his trade, for merely convicting two persons of coining? Why, if this is the case, has not some better method been found of rewarding the bravery of our soldiers and sailors than by permitting them, without perhaps an hour's apprenticeship, to assist in destroying, by their inexpertness, the credit of our goods? Besides, what becomes of the first attempts of the apprentice himself? If seven years' learning were

¹ The corrupt spelling of this word induces many to suppose it includes something *concealed*; the original is the Norman French word *MESTIERS* or *metiers*, an occupation!

necessary, every thing he pretends to make, before he is out of his time, must either be destroyed, or will tend to the discredit of our manufactures.

Is there greater danger of bad workmanship from the industry and genius of self-taught men, than from untaught soldiers and sailors, or young men during the early part of their apprenticeship? Has the woollen manufacture degenerated, in which, though the law required a seven years' apprenticeship, it is admitted on all hands, ¹ that except under peculiar circumstances, an apprentice was scarcely to be found? Nay, the very existence of this "invaluable" act, was totally unknown to the manufacturers, who, the moment they discovered it, procured its repeal as to them, and *at the same time were restored to their right to carry on any other manufacture whatever, without being apprenticed to it.*² And the same privilege, if indeed the restoration of "common right," as Lord Mansfield called it, is to be called a privilege, has been given to hawkers and pedlars, and *all persons whom they employ*, not merely to carry on any trade, but *actually to work* at any manufacture without being apprenticed to it, or even to hawking and pedling!³ So little does the enlightened legislature of the present day think it necessary to interfere, for the gratuitous purpose of compelling men to attend to their own interest.

Besides, are those trades which are not "restricted," or in the phrase of some, not "protected," less prosperous than those which are? They are, in truth, more flourishing, and have made greater improvement. The cotton manufacture, for instance, has even set the example of every improvement which has at last, reluctantly, been admitted into the woollen? though the latter was comparatively flourishing, three centuries before the former was known! Neither are the improvements in saddlery to be compared

¹ Woollen Report.

² 49. G. 3.

³ 50 G. 3.

with those in watch-making. Numerous, scientific, and valuable as these last have been, scarce one of them has been made by regular apprentices to the art. But it is mere pretence, and those who urge it, know it to be so. Every art which requires an apprenticeship for seven years, to enable a man to practise it with success, *must* and *will* have that time bestowed upon it, whether impelled to it by law or interest.

Yet it is asserted, that "the manufactures of this country have *degenerated* from their *former* excellence!" How? where? when? and by whom has this notable discovery been made? Is this degeneracy to be found in any of the shops of London? of Birmingham? of Sheffield? of Manchester? of Paisley? of Leeds? of Nottingham? or of Glasgow? No: the Committee, in that masterly report¹ which cannot be too often referred to, nor too widely circulated, state that "the rapid and prodigious increase of late years, in the manufactures and commerce of this country, is universally known, as well as the effects of that increase on our revenue and national strength; and in considering the immediate causes of that augmentation it will appear, that under the favor of Providence, it is principally to be ascribed to the general spirit of enterprise and industry among a free and enlightened people left to *the unrestrained exercise of their talents* in the employment of a vast capital; *pushing to the utmost the principle of the division of labor*; calling in all the resources of scientific research and mechanical ingenuity, and finally availing themselves of all the benefits to be derived from visiting foreign countries, not only for forming new and confirming old commercial connexions, but for obtaining a personal knowledge of the wants, the taste, the habits, the discoveries and improvements, the productions and fabrics of other civilized nations; and by thus bringing home facts

¹ Report on the Woollen Trade, 1806.

and suggestions perfecting our existing manufactures, and adding new ones to our domestic stock; opening at the same time new markets for the production of our manufacturing and commercial industry, and qualifying ourselves for supplying them." "It is by these means alone," continue the committee, "and above all by the effect of *machinery*, in *improving the quality* and *cheapening the fabrication* of our various articles of export, that with a continually accumulating weight of taxes, and with all the necessities and comforts of life gradually increasing in price, the effects of which on the wages of labor could not but be very considerable, our commerce and manufactures have been also increasing in such a degree as to surpass the most sanguine calculations of the ablest political writers, who had speculated on the improvements of a future age."

It is, indeed, an undeniable fact, that the high degree of perfection and comparative cheapness which they have attained, has superseded the necessity of importation, and created a demand for them from all parts of the civilized world.

If, however, this circumstance should have tempted the cupidity of some individuals to impose a spurious and defective commodity on Foreigners, is it to the wonder-working powers of this antiquated Statute that we are to look for the prevention of all fraud and imposition? Would it have prevented the exportation of gingerbread watches to Turkey and China, whose only recommendation was the gaudy decoration of the case. Or does it restrain the manufacture of razors which are made, as Peter Pindar has it, "*to shell*" and not to shave?

But "*they are degenerated so much* as to be even *excluded* from foreign markets!" Where does the man hide who makes the assertion? Does he ever mix with his fellow-men? Does he know any thing of the state of Europe?

Is he yet to learn that the demand for our manufactures has been so great, and the obtaining of them so impossible, as to have produced the most sudden and extraordinary revolution recorded in the annals of the world? Does he not know that the wants of the continent have driven the hitherto victorious armies of France from the Niemen to the Vistula; from the Vistula to the Elbe; from the Elbe to the Seine? If he is ignorant of all this, let him come forth and look at the sun.

“But we must never lose sight of that important consideration that we are, at this day, surrounded by powerful and civilized nations, who are intent on cultivating their manufacture and commerce; and who are the more eager to become our competitors in trade, from having witnessed the astonishing effects of our commercial prosperity.”

The mischief, however, the manufacturers feel they have most reason to dread, from the extension or continuance of this act, is one which strikes at the root of all our prosperity. It is that which arises from the pretensions it countenances, and the color it gives to the combination of workmen for the raising of wages, and the prevention of improvement. Under the influence of the pretended privileges given by this act, many masters are not permitted to hire their own workmen. No the “Shop Committee” must be applied to. They must be assured that all is right—that every workman has, as they pretend, been “legally apprenticed;” that is, in fact, that he belongs to “the Club.” For they make no distinction if he leagues with them. They choose too what articles shall be made, and impose large fines on whoever disobeys *their* laws. They fine men also, that work for masters who conduct their business in a manner *not approved* by them. Aye, and they compel payment too, by outlawry and proscription! Neither will they make a new article, till “their

Committee" has decreed the price ; and no member of the Club *dare* execute it for less. If the master resists the decree, however extravagant he may know it to be, and obtains assistance from any well-disposed journeymen, the rest instantly *quit* his shop ; and, until they are able to obtain admission to another, are supported from "the fund." In the mean time a mark is set upon the men. None will hereafter work in the same shop with them, until their peace is made by "a fine." But if any of them should not have been apprenticed, then is the whole artillery of the law brought out. The lawyer takes command, and whatever is the result of the action, the expenses are defrayed by "the fund." The lawyer is secure, and what does he care for the trade of the country?

If a workman by the piece is desired by his master to make an article differently from what he has been accustomed, he will condescend, indeed, if its advantages are so self-evident that he can hit upon no evasion, to comply ; but he will charge a much larger price for the work, *though it should not have taken more than half the time* ; and this must be paid, or the master may work by himself. Is this a state of trade under which we can hope to be enabled to continue the advantages we have got?

"There are," says an intelligent manufacturer, "manufacturers on the continent who cannot vie with us. If we lose our advantages we shall not be able to vie with them. We must go on with our improvements."

Are the masters to be the slaves of the journeymen, and besides, to see their best hopes destroyed by increasing the price of their goods so as to prohibit the consumption? The least attempt at improvement or economy, by which this mischief is to be avoided, is the signal of rebellion. Nay, to such a pitch has it been carried of late in some work-

shops, that a laborer is not suffered to turn a grindstone. No; a "regular," a "legal" workman, at two guineas a week, is the only person permitted to turn a stone to sharpen a chisel; or lend a hand to load a cart!!!

This is an evil abundantly sufficient of itself to accomplish the ruin not only of a particular branch of trade, but even the whole commercial greatness of our country; an evil, the fatal, though not perhaps instantaneous, consequences of which it *cannot be expected that the workmen themselves should foresee* so plainly, or feel so forcibly, as not to incur it, under the powerful temptation of a strong and immediate, though temporary, interest.

But we are referred to the combination act as a remedy for these mischiefs. Setting aside the difficulty of producing legal proofs;—the anxieties and heart-burnings engendered by contests between masters and men—the stoppage of manufactories, and the consequent loss to the community; it is a fact confirmed by long and varied experience, that all laws which have hitherto been framed to repress those evils, have, by a system of artful and persevering association on the part of the journeymen, been rendered insufficient and nugatory.

If it be asked, how it has happened that trade has flourished so greatly under the restraints of Elizabeth, it may be answered, that it has flourished *in spite* of those restraints. That the greater part of our manufactures, both in number and importance, are not under the control of that act, and that with respect to those that are within its pale, it had become nearly a dead letter. That it had lain dormant so long, that in the boasted staple of the country which had flourished a century before the act was passed, it was utterly unknown until within these ten years.

Having shown that the origin and object of this statute is the *reverse* of all that has been ascribed to it—That it

was to *restrain trade*, not to advance it—That it originated under the feudal government and tyranny of the ancient Barons, and is incompatible with the extension of commerce—That it cannot ensure either good work, or industrious workmen—That it did not intend to grant an exclusive privilege, and that if it had, it would have been productive of the greatest misery to the objects of it—That it has long remained in the statute book nearly a dead letter; and that our manufactures have flourished in proportion, as they have been uncontrolled by its operation, which is vexatious, partial, oppressive, and uncertain—it cannot be necessary to urge any local interest to induce the citizens and traders of London to concur in promoting its repeal. Nor is it necessary to observe that the privileges of corporations are not affected by its repeal. Setting aside the fact that the cities of London and Norwich are expressly excluded from the operation of the act of Elizabeth; *the mere freedom from restraints imposed on exercising a trade* GENERALLY, *will not confer the right of carrying it on in a PRIVILEGED place.*

But it may be fairly asked of the great body of shopkeepers of this metropolis, and indeed of the kingdom at large, if they are willing to return to that grovelling state, of which we have heard from our fathers, and some of us may remember; when the master lived in the same house, and fed at the same board with the journeymen and apprentices; when he *made no more* goods than were ordered, and *sold no more* than were *made under his roof?* for to this must they come back if this statute be extended or enforced.

While, however, this act remains on the statute book, the workmen will continue to labor under the delusion of an *appearance* of exclusive right. It is a constant source of contest between the men and their employers. It excites

perpetual jealousy. The workman no longer believes his interest to be compatible with that of his master. He sets his face against every improvement that would cheapen our manufactures. He fears that facility of manufacture will decrease the *quantum* of employment, and has not yet learnt, that in whatever proportion price is reduced, consumption and the demand for labor is increased. He broods over imaginary evils, and becomes restless and querulous. He associates with the discontented of his class, and from that moment becomes a slave. He has no longer a will of his own, he must obey the ordinances of the society. They take the law into their own hands, and "suspend their masters from employment." By the operation of this act, they often compel their masters to submit to whatever they direct. Their victory becomes matter of triumph and gratulation to every class of workmen. It excites the envy of all those who are not under the control of the act. They ardently desire what they call its "protection:" "that protection which vultures give to lambs, covering and devouring them." This delusion, powerful in its effect, has been widely disseminated, and industriously propagated. It has within these ten years produced most extensive and formidable associations by which this act has been revived and enforced throughout the country.

They have also pressed parliament for several years to inflict severe penalties on the violation of this obsolete and pernicious statute, under which violation our manufactures have so greatly prospered. This, however, would not content them. It must be extended to all the other manufactures which, it is notorious, have, without its assistance, flourished beyond the most sanguine expectation, and even to such as are yet unknown.

This enormous confederacy has drawn into its vortex the workmen of almost every trade, and its influence ex-

tends to the remotest corners of the isle. Its means are commensurate with its extent. The spirit which produced it must be laid. It has exhibited its pretensions; and if this country is still to enjoy the commerce of the world, they must be resisted. The question must now be put to rest. It cannot remain as it is. If it be not repealed, *it will be enforced*. If it be partial, oppressive, vexatious, impolitic, and impracticable; if it be unfit for the present times and for a commercial nation, it ought not, whatever may have been its origin or its object, or even its utility in the infancy of trade, to remain an hour longer on the statute books. But its repeal becomes imperiously necessary for the protection of trade when such colossal attempts are making by ignorance and prejudice, not merely to revive and enforce it, but to extend it, with additional restrictions, to the various manufactures hitherto free from its restraints, and also to bring within its power the discoveries and inventions of "ages yet unborn!!!"

BY THE SUB-COMMITTEE.

CHARLES ALSAGER.
 SAMUEL BEVINGTON.
 JOHN COLLINGE.
 BRYAN DONKIN.
 JOHN FOWLER.
 ALEX. GALLOWAY.
 WILLIAM HOWARD.
 HENRY MAUDSLAY.
 SAM. MILLER.
 JOHN WARNER.

JOHN RICHTER,

16th February, 1814.

Secretary.